IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.3893 of 2005

Ashok S Gundecha.....petitioners
vs
Pune Mun Corpn and ors..Respondents

Mr.P.B.Shaligram for petitioner
Mr.Bhushan Kakade AGP for State

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 2l.6.2005

P.C:

. The petitioner is seeking regularisation of iron fencing unauthorisedly put up by him outside his shop. The Municipal Corporation issued notice for demolition of the unauthorised fencing. This notice was challenged by the petitioner by filing a civil suit. The suit was dismissed and the appeal therefrom was also dismissed. The finding of the courts below is that the iron bar fencing has been constructed without obtaining permission of the Corporation. In Second Appeal preferred by the petitioner the learned single Judge recorded a categorical finding that the findings of the courts below are legal and valid. The learned single Judge,however, granted permission to the petitioner to apply to the Corporation for regularisation of the fencing. The application of the petitioner is

rejected by the Corporation as the iron bar fencing is hampering the traffic on the road. In the circumstances no interference is warranted under Art 226 of the Constitution. Petition is dismissed.